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*Cindy Chickara*

*October 31, 2001*

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of  
Susan J. Kirst, et al.

Appln. No.: 09/596,194

Filed: June 16, 2000

For: NOVEL GENES ENCODING PROTEINS  
HAVING DIAGNOSTIC, PREVENTIVE  
THERAPEUTIC, AND OTHER USES

: Group Art Unit 1655  
:  
:  
: Examiner: Janell T. Cleveland  
:  
: Confirmation No.: 2288  
:  
: Attorney Docket  
: No. **10147-11U1**  
: (MBI099-054CP1)

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*1/26/02*

**RESPONSE TO RESTRICTION REQUIREMENT  
AND  
PRELIMINARY AMENDMENT**

This paper is filed in response to the Restriction Requirement dated July 31, 2001 (Paper No. 7). This paper includes both a Response to the Restriction Requirement and a corresponding Preliminary Amendment, which the Applicants request the Examiner to enter. This paper is timely filed by virtue of the enclosed Petition for a Two-Month Extension of Time, which extends the period available for responding to the Restriction Requirement through and including October 31, 2001.

**Response to Restriction Requirement**

In response to the Restriction Requirement, the Applicants elect, without traverse, the claims of **Group I** (claims 1-7 and 16-18) for prosecution on the merits.

The Examiner also requires restriction to a single nucleotide sequence or a pair of corresponding nucleotide and amino acid sequences. The Applicants elect SEQ ID NO: **59** (a nucleotide sequence) and SEQ ID NO: **61** (the amino acid sequence encoded by SEQ ID NO: 59). This election is made with traverse. The Applicants traverse on the grounds that SEQ ID NO: 59 completely includes SEQ ID NO: 60 within its sequence and SEQ ID NO: 61 completely includes SEQ ID NOs: 62 and 63 within its sequence. The Applicants respectfully request that